

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2122
OFFERED BY MR. CONYERS OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 **TITLE I—GENERAL FIREARM**
2 **PROVISIONS**

3 **SECTION. 101. EXTENSION OF BRADY BACKGROUND**
4 **CHECKS TO GUN SHOWS.**

5 (a) FINDINGS.—Congress finds that—

6 (1) more than 4,400 traditional gun shows are
7 held annually across the United States, attracting
8 thousands of attendees per show and hundreds of
9 Federal firearms licensees and nonlicensed firearms
10 sellers;

11 (2) traditional gun shows, as well as flea mar-
12 kets and other organized events, at which a large
13 number of firearms are offered for sale by Federal
14 firearms licensees and nonlicensed firearms sellers,
15 form a significant part of the national firearms mar-
16 ket;

17 (3) firearms and ammunition that are exhibited
18 or offered for sale or exchange at gun shows, flea

1 markets, and other organized events move easily in
2 and substantially affect interstate commerce;

3 (4) in fact, even before a firearm is exhibited or
4 offered for sale or exchange at a gun show, flea mar-
5 ket, or other organized event, the gun, its component
6 parts, ammunition, and the raw materials from
7 which it is manufactured have moved in interstate
8 commerce;

9 (5) gun shows, flea markets, and other orga-
10 nized events at which firearms are exhibited or of-
11 fered for sale or exchange, provide a convenient and
12 centralized commercial location at which firearms
13 may be bought and sold anonymously, often without
14 background checks and without records that enable
15 gun tracing;

16 (6) at gun shows, flea markets, and other orga-
17 nized events at which guns are exhibited or offered
18 for sale or exchange, criminals and other prohibited
19 persons obtain guns without background checks and
20 frequently use guns that cannot be traced to later
21 commit crimes;

22 (7) many persons who buy and sell firearms at
23 gun shows, flea markets, and other organized events
24 cross State lines to attend these events and engage

1 in the interstate transportation of firearms obtained
2 at these events;

3 (8) gun violence is a pervasive, national prob-
4 lem that is exacerbated by the availability of guns at
5 gun shows, flea markets, and other organized events;

6 (9) firearms associated with gun shows have
7 been transferred illegally to residents of another
8 State by Federal firearms licensees and nonlicensed
9 firearms sellers, and have been involved in subse-
10 quent crimes including drug offenses, crimes of vio-
11 lence, property crimes, and illegal possession of fire-
12 arms by felons and other prohibited persons; and

13 (10) Congress has the power, under the inter-
14 state commerce clause and other provisions of the
15 Constitution of the United States, to ensure, by en-
16 actment of this Act, that criminals and other prohib-
17 ited persons do not obtain firearms at gun shows,
18 flea markets, and other organized events.

19 (b) DEFINITIONS.—Section 921(a) of title 18, United
20 States Code, is amended by adding at the end the follow-
21 ing:

22 “(35) GUN SHOW.—The term ‘gun show’ means any
23 event—

24 “(A) at which 50 or more firearms are offered
25 or exhibited for sale, transfer, or exchange, if 1 or

1 more of the firearms has been shipped or trans-
2 ported in, or otherwise affects, interstate or foreign
3 commerce; and

4 “(B) at which—

5 “(i) not less than 20 percent of the exhibi-
6 tors are firearm exhibitors;

7 “(ii) there are not less than 10 firearm ex-
8 hibitors; or

9 “(iii) 50 or more firearms are offered for
10 sale, transfer, or exchange.

11 “(36) GUN SHOW PROMOTER.—The term ‘gun show
12 promoter’ means any person who organizes, plans, pro-
13 motes, or operates a gun show.

14 “(37) GUN SHOW VENDOR.—The term ‘gun show
15 vendor’ means any person who exhibits, sells, offers for
16 sale, transfers, or exchanges 1 or more firearms at a gun
17 show, regardless of whether or not the person arranges
18 with the gun show promoter for a fixed location from
19 which to exhibit, sell, offer for sale, transfer, or exchange
20 1 or more firearms.”

21 (c) REGULATION OF FIREARMS TRANSFERS AT GUN
22 SHOWS.—

23 (1) IN GENERAL.—Chapter 44 of title 18,
24 United States Code, is amended by adding at the
25 end the following:

1 **“§ 931. Regulation of firearms transfers at gun shows**

2 “(a) REGISTRATION OF GUN SHOW PROMOTERS.—

3 It shall be unlawful for any person to organize, plan, pro-
4 mote, or operate a gun show unless that person—

5 “(1) registers with the Secretary in accordance
6 with regulations promulgated by the Secretary; and

7 “(2) pays a registration fee, in an amount de-
8 termined by the Secretary.

9 “(b) RESPONSIBILITIES OF GUN SHOW PROMOT-
10 ERS.—It shall be unlawful for any person to organize,
11 plan, promote, or operate a gun show unless that person—

12 “(1) before commencement of the gun show,
13 verifies the identity of each gun show vendor partici-
14 pating in the gun show by examining a valid identi-
15 fication document (as defined in section 1028(d)(1))
16 of the vendor containing a photograph of the vendor;

17 “(2) before commencement of the gun show, re-
18 quires each gun show vendor to sign—

19 “(A) a ledger with identifying information
20 concerning the vendor; and

21 “(B) a notice advising the vendor of the
22 obligations of the vendor under this chapter;
23 and

24 “(3) notifies each person who attends the gun
25 show of the requirements of this chapter, in accord-

1 ance with such regulations as the Secretary shall
2 prescribe; and

3 “(4) maintains a copy of the records described
4 in paragraphs (1) and (2) at the permanent place of
5 business of the gun show promoter for such period
6 of time and in such form as the Secretary shall re-
7 quire by regulation.

8 “(c) RESPONSIBILITIES OF TRANSFERORS OTHER
9 THAN LICENSEES.—

10 “(1) IN GENERAL.—If any part of a firearm
11 transaction takes place at a gun show, it shall be
12 unlawful for any person who is not licensed under
13 this chapter to transfer a firearm to another person
14 who is not licensed under this chapter, unless the
15 firearm is transferred through a licensed importer,
16 licensed manufacturer, or licensed dealer in accord-
17 ance with subsection (e).

18 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
19 son who is subject to the requirement of paragraph
20 (1)—

21 “(A) shall not transfer the firearm to the
22 transferee until the licensed importer, licensed
23 manufacturer, or licensed dealer through which
24 the transfer is made under subsection (e)

1 makes the notification described in subsection
2 (e)(3)(A); and

3 “(B) notwithstanding subparagraph (A),
4 shall not transfer the firearm to the transferee
5 if the licensed importer, licensed manufacturer,
6 or licensed dealer through which the transfer is
7 made under subsection (e) makes the notifica-
8 tion described in subsection (e)(3)(B).

9 “(3) ABSENCE OF RECORDKEEPING REQUIRE-
10 MENTS.—Nothing in this section shall permit or au-
11 thorize the Secretary to impose recordkeeping re-
12 quirements on any nonlicensed vendor.

13 “(d) RESPONSIBILITIES OF TRANSFEREES OTHER
14 THAN LICENSEES.—

15 “(1) IN GENERAL.—If any part of a firearm
16 transaction takes place at a gun show, it shall be
17 unlawful for any person who is not licensed under
18 this chapter to receive a firearm from another per-
19 son who is not licensed under this chapter, unless
20 the firearm is transferred through a licensed im-
21 porter, licensed manufacturer, or licensed dealer in
22 accordance with subsection (e).

23 “(2) CRIMINAL BACKGROUND CHECKS.—A per-
24 son who is subject to the requirement of paragraph
25 (1)—

1 “(A) shall not receive the firearm from the
2 transferor until the licensed importer, licensed
3 manufacturer, or licensed dealer through which
4 the transfer is made under subsection (e)
5 makes the notification described in subsection
6 (e)(3)(A); and

7 “(B) notwithstanding subparagraph (A),
8 shall not receive the firearm from the transferor
9 if the licensed importer, licensed manufacturer,
10 or licensed dealer through which the transfer is
11 made under subsection (e) makes the notifica-
12 tion described in subsection (e)(3)(B).

13 “(e) RESPONSIBILITIES OF LICENSEES.—A licensed
14 importer, licensed manufacturer, or licensed dealer who
15 agrees to assist a person who is not licensed under this
16 chapter in carrying out the responsibilities of that person
17 under subsection (c) or (d) with respect to the transfer
18 of a firearm shall—

19 “(1) enter such information about the firearm
20 as the Secretary may require by regulation into a
21 separate bound record;

22 “(2) record the transfer on a form specified by
23 the Secretary;

24 “(3) comply with section 922(t) as if transfer-
25 ring the firearm from the inventory of the licensed

1 importer, licensed manufacturer, or licensed dealer
2 to the designated transferee (although a licensed im-
3 porter, licensed manufacturer, or licensed dealer
4 complying with this subsection shall not be required
5 to comply again with the requirements of section
6 922(t) in delivering the firearm to the nonlicensed
7 transferor), and notify the nonlicensed transferor
8 and the nonlicensed transferee—

9 “(A) of such compliance; and

10 “(B) if the transfer is subject to the re-
11 quirements of section 922(t)(1), of any receipt
12 by the licensed importer, licensed manufacturer,
13 or licensed dealer of a notification from the na-
14 tional instant criminal background check sys-
15 tem that the transfer would violate section 922
16 or would violate State law;

17 “(4) not later than 10 days after the date on
18 which the transfer occurs, submit to the Secretary a
19 report of the transfer, which report—

20 “(A) shall be on a form specified by the
21 Secretary by regulation; and

22 “(B) shall not include the name of or other
23 identifying information relating to any person
24 involved in the transfer who is not licensed
25 under this chapter;

1 “(5) if the licensed importer, licensed manufac-
2 turer, or licensed dealer assists a person other than
3 a licensee in transferring, at 1 time or during any
4 5 consecutive business days, 2 or more pistols or re-
5 volvers, or any combination of pistols and revolvers
6 totaling 2 or more, to the same nonlicensed person,
7 in addition to the reports required under paragraph
8 (4), prepare a report of the multiple transfers, which
9 report shall be—

10 “(A) prepared on a form specified by the
11 Secretary; and

12 “(B) not later than the close of business
13 on the date on which the transfer occurs, for-
14 warded to—

15 “(i) the office specified on the form
16 described in subparagraph (A); and

17 “(ii) the appropriate State law en-
18 forcement agency of the jurisdiction in
19 which the transfer occurs; and

20 “(6) retain a record of the transfer as part of
21 the permanent business records of the licensed im-
22 porter, licensed manufacturer, or licensed dealer.

23 “(f) RECORDS OF LICENSEE TRANSFERS.—If any
24 part of a firearm transaction takes place at a gun show,
25 each licensed importer, licensed manufacturer, and li-

1 censed dealer who transfers 1 or more firearms to a person
2 who is not licensed under this chapter shall, not later than
3 10 days after the date on which the transfer occurs, sub-
4 mit to the Secretary a report of the transfer, which
5 report—

6 “(1) shall be in a form specified by the Sec-
7 retary by regulation;

8 “(2) shall not include the name of or other
9 identifying information relating to the transferee;
10 and

11 “(3) shall not duplicate information provided in
12 any report required under subsection (e)(4).

13 “(g) FIREARM TRANSACTION DEFINED.—In this sec-
14 tion, the term ‘firearm transaction’—

15 “(1) includes the offer for sale, sale, transfer,
16 or exchange of a firearm; and

17 “(2) does not include the mere exhibition of a
18 firearm.”.

19 (2) PENALTIES.—Section 924(a) of title 18,
20 United States Code, is amended by adding at the
21 end the following:

22 “(7)(A) Whoever knowingly violates section 931(a)
23 shall be fined under this title, imprisoned not more than
24 5 years, or both.

1 “(B) Whoever knowingly violates subsection (b) or (c)
2 of section 931, shall be—

3 “(i) fined under this title, imprisoned not more
4 than 2 years, or both; and

5 “(ii) in the case of a second or subsequent con-
6 viction, such person shall be fined under this title,
7 imprisoned not more than 5 years, or both.

8 “(C) Whoever willfully violates section 931(d), shall
9 be—

10 “(i) fined under this title, imprisoned not more
11 than 2 years, or both; and

12 “(ii) in the case of a second or subsequent con-
13 viction, such person shall be fined under this title,
14 imprisoned not more than 5 years, or both.

15 “(D) Whoever knowingly violates subsection (e) or (f)
16 of section 931 shall be fined under this title, imprisoned
17 not more than 5 years, or both.

18 “(E) In addition to any other penalties imposed
19 under this paragraph, the Secretary may, with respect to
20 any person who knowingly violates any provision of section
21 931—

22 “(i) if the person is registered pursuant to sec-
23 tion 931(a), after notice and opportunity for a hear-
24 ing, suspend for not more than 6 months or revoke

1 the registration of that person under section 931(a);
2 and

3 “(ii) impose a civil fine in an amount equal to
4 not more than \$10,000.”.

5 (3) TECHNICAL AND CONFORMING AMEND-
6 MENTS.—Chapter 44 of title 18, United States
7 Code, is amended—

8 (A) in the chapter analysis, by adding at
9 the end the following:

“931. Regulation of firearms transfers at gun shows.”;

10 and

11 (B) in the first sentence of section 923(j),
12 by striking “a gun show or event” and inserting
13 “an event”; and

14 (d) INSPECTION AUTHORITY.—Section 923(g)(1) is
15 amended by adding at the end the following:

16 “(E) Notwithstanding subparagraph (B), the Sec-
17 retary may enter during business hours the place of busi-
18 ness of any gun show promoter and any place where a
19 gun show is held for the purposes of examining the records
20 required by sections 923 and 931 and the inventory of
21 licensees conducting business at the gun show. Such entry
22 and examination shall be conducted for the purposes of
23 determining compliance with this chapter by gun show
24 promoters and licensees conducting business at the gun

1 show and shall not require a showing of reasonable cause
2 or a warrant.”.

3 (e) INCREASED PENALTIES FOR SERIOUS RECORD-
4 KEEPING VIOLATIONS BY LICENSEES.—Section 924(a)(3)
5 of title 18, United States Code, is amended to read as
6 follows:

7 “(3)(A) Except as provided in subparagraph (B), any
8 licensed dealer, licensed importer, licensed manufacturer,
9 or licensed collector who knowingly makes any false state-
10 ment or representation with respect to the information re-
11 quired by this chapter to be kept in the records of a person
12 licensed under this chapter, or violates section 922(m)
13 shall be fined under this title, imprisoned not more than
14 1 year, or both.

15 “(B) If the violation described in subparagraph (A)
16 is in relation to an offense—

17 “(i) under paragraph (1) or (3) of section
18 922(b), such person shall be fined under this title,
19 imprisoned not more than 5 years, or both; or

20 “(ii) under subsection (a)(6) or (d) of section
21 922, such person shall be fined under this title, im-
22 prisoned not more than 10 years, or both.”.

23 (f) INCREASED PENALTIES FOR VIOLATIONS OF
24 CRIMINAL BACKGROUND CHECK REQUIREMENTS.—

1 (1) PENALTIES.—Section 924 of title 18,
2 United States Code, is amended—

3 (A) in paragraph (5), by striking “sub-
4 section (s) or (t) of section 922” and inserting
5 “section 922(s)”; and

6 (B) by adding at the end the following:

7 “(8) Whoever knowingly violates section 922(t) shall
8 be fined under this title, imprisoned not more than 5
9 years, or both.”.

10 (2) ELIMINATION OF CERTAIN ELEMENTS OF
11 OFFENSE.—Section 922(t)(5) of title 18, United
12 States Code, is amended by striking “and, at the
13 time” and all that follows through “State law”.

14 (g) GUN OWNER PRIVACY AND PREVENTION OF
15 FRAUD AND ABUSE OF SYSTEM INFORMATION.—Section
16 922(t)(2)(C) of title 18, United States Code, is amended
17 by inserting before the period at the end the following:
18 “, as soon as possible, consistent with the responsibility
19 of the Attorney General under section 103(h) of the Brady
20 Handgun Violence Prevention Act to ensure the privacy
21 and security of the system and to prevent system fraud
22 and abuse, but in no event later than 90 days after the
23 date on which the licensee first contacts the system with
24 respect to the transfer”.

1 (h) EFFECTIVE DATE.—This section and the amend-
2 ments made by this section shall take effect 180 days after
3 the date of enactment of this Act.

4 **TITLE II—RESTRICTING JUVENILE ACCESS TO CERTAIN**
5 **FIREARMS**
6

7 **SEC. 201. PROHIBITION ON FIREARMS POSSESSION BY VIO-**
8 **LENT JUVENILE OFFENDERS.**

9 (a) DEFINITION.—Section 921(a)(20) of title 18,
10 United States Code, is amended—

11 (1) by inserting “(A)” after “(20)”;

12 (2) by redesignating subparagraphs (A) and
13 (B) as clauses (i) and (ii), respectively;

14 (3) by inserting after subparagraph (A) the fol-
15 lowing:

16 “(B) For purposes of subsections (d) and (g) of sec-
17 tion 922, the term ‘act of violent juvenile delinquency’
18 means an adjudication of delinquency in Federal or State
19 court, based on a finding of the commission of an act by
20 a person prior to his or her eighteenth birthday that, if
21 committed by an adult, would be a serious or violent fel-
22 ony, as defined in section 3559(c)(2)(F)(i) had Federal
23 jurisdiction existed and been exercised (except that section
24 3559(c)(3)(A) shall not apply to this subparagraph).”;
25 and

1 (4) in the undesignated paragraph following
2 subparagraph (B) (as added by paragraph (3) of
3 this subsection), by striking “What constitutes” and
4 all that follows through “this chapter,” and inserting
5 the following:

6 “(C) What constitutes a conviction of such a crime
7 or an adjudication of an act of violent juvenile delinquency
8 shall be determined in accordance with the law of the ju-
9 risdiction in which the proceedings were held. Any State
10 conviction or adjudication of an act of violent juvenile de-
11 linquency that has been expunged or set aside, or for
12 which a person has been pardoned or has had civil rights
13 restored, by the jurisdiction in which the conviction or ad-
14 judication of an act of violent juvenile delinquency oc-
15 curred shall not be considered to be a conviction or adju-
16 dication of an act of violent juvenile delinquency for pur-
17 poses of this chapter.”.

18 (b) PROHIBITION.—Section 922 of title 18, United
19 States Code, is amended—

20 (1) in subsection (d)—

21 (A) in paragraph (8), by striking “or” at
22 the end;

23 (B) in paragraph (9), by striking the pe-
24 riod at the end and inserting “; or”; and

1 (C) by inserting after paragraph (9) the
2 following:

3 “(10) has committed an act of violent juvenile
4 delinquency.”; and

5 (2) in subsection (g)—

6 (A) in paragraph (8), by striking “or” at
7 the end;

8 (B) in paragraph (9), by striking the
9 comma at the end and inserting “; or”; and

10 (C) by inserting after paragraph (9) the
11 following:

12 “(10) who has committed an act of violent juve-
13 nile delinquency,”.

14 (c) EFFECTIVE DATE OF ADJUDICATION PROVI-
15 SIONS.—The amendments made by this section shall only
16 apply to an adjudication of an act of violent juvenile delin-
17 quency that occurs after the date that is 30 days after
18 the date on which the Attorney General certifies to Con-
19 gress and separately notifies Federal firearms licensees,
20 through publication in the Federal Register by the Sec-
21 retary of the Treasury, that the records of such adjudica-
22 tions are routinely available in the national instant crimi-
23 nal background check system established under section
24 103(b) of the Brady Handgun Violence Prevention Act.

1 **SEC. 202. PENALTIES FOR UNLAWFUL ACTS BY JUVENILES.**

2 (a) JUVENILE WEAPONS PENALTIES.—Section
3 924(a) of title 18, United States Code, is amended—

4 (1) in paragraph (4) by striking “Whoever” at
5 the beginning of the first sentence, and inserting in
6 lieu thereof, “Except as provided in paragraph (6)
7 of this subsection, whoever”; and

8 (2) in paragraph (6), by amending it to read as
9 follows:

10 “(6)(A) A juvenile who violates section 922(x)
11 shall be fined under this title, imprisoned not more
12 than 1 year, or both, except—

13 “(i) a juvenile shall be sentenced to proba-
14 tion on appropriate conditions and shall not be
15 incarcerated unless the juvenile fails to comply
16 with a condition of probation, if—

17 “(I) the offense of which the juvenile
18 is charged is possession of a handgun, am-
19 munition, large capacity ammunition feed-
20 ing device or a semiautomatic assault
21 weapon in violation of section 922(x)(2);
22 and

23 “(II) the juvenile has not been con-
24 victed in any court of an offense (including
25 an offense under section 922(x) or a simi-
26 lar State law, but not including any other

1 offense consisting of conduct that if en-
2 gaged in by an adult would not constitute
3 an offense) or adjudicated as a juvenile de-
4 linquent for conduct that if engaged in by
5 an adult would constitute an offense; or

6 “(ii) a juvenile shall be fined under this
7 title, imprisoned not more than 20 years, or
8 both, if—

9 “(I) the offense of which the juvenile
10 is charged is possession of a handgun, am-
11 munition, large capacity ammunition feed-
12 ing device or a semiautomatic assault
13 weapon in violation of section 922(x)(2);
14 and

15 “(II) during the same course of con-
16 duct in violating section 922(x)(2), the ju-
17 venile violated section 922(q), with the in-
18 tent to carry or otherwise possess or dis-
19 charge or otherwise use the handgun, am-
20 munition, large capacity ammunition feed-
21 ing device or a semiautomatic assault
22 weapon in the commission of a violent fel-
23 ony.

24 “(B) A person other than a juvenile who know-
25 ingly violates section 922(x)—

1 “(i) shall be fined under this title, impris-
2 oned not more than 1 year, or both; and

3 “(ii) if the person sold, delivered, or other-
4 wise transferred a handgun, ammunition, large
5 capacity ammunition feeding device or a semi-
6 automatic assault weapon to a juvenile knowing
7 or having reasonable cause to know that the ju-
8 venile intended to carry or otherwise possess or
9 discharge or otherwise use the handgun, ammu-
10 nition, large capacity ammunition feeding device
11 or semiautomatic assault weapon in the com-
12 mission of a violent felony, shall be fined under
13 this title, imprisoned not more than 20 years,
14 or both.

15 “(C) For purposes of this paragraph a ‘violent
16 felony’ means conduct as described in section
17 924(e)(2)(B) of this title.

18 “(D) Except as otherwise provided in this chap-
19 ter, in any case in which a juvenile is prosecuted in
20 a district court of the United States, and the juve-
21 nile is subject to the penalties under clause (ii) of
22 paragraph (A), the juvenile shall be subject to the
23 same laws, rules, and proceedings regarding sentenc-
24 ing (including the availability of probation, restituti-
25 on, fines, forfeiture, imprisonment, and supervised

1 release) that would be applicable in the case of an
2 adult. No juvenile sentenced to a term of imprison-
3 ment shall be released from custody simply because
4 the juvenile reaches the age of 18 years.”.

5 (b) UNLAWFUL WEAPONS TRANSFERS TO JUVE-
6 NILES.—Section 922(x) of title 18, United States Code,
7 is amended to read as follows:

8 “(x)(1) It shall be unlawful for a person to sell, de-
9 liver, or otherwise transfer to a person who the transferor
10 knows or has reasonable cause to believe is a juvenile—

11 “(A) a handgun;

12 “(B) ammunition that is suitable for use only
13 in a handgun;

14 “(C) a semiautomatic assault weapon; or

15 “(D) a large capacity ammunition feeding de-
16 vice.

17 “(2) It shall be unlawful for any person who is a juve-
18 nile to knowingly possess—

19 “(A) a handgun;

20 “(B) ammunition that is suitable for use only
21 in a handgun;

22 “(C) a semiautomatic assault weapon; or

23 “(D) a large capacity ammunition feeding de-
24 vice.

25 “(3) This subsection does not apply to—

1 “(A) a temporary transfer of a handgun, am-
2 munition, large capacity ammunition feeding device
3 or a semiautomatic assault weapon to a juvenile or
4 to the possession or use of a handgun, ammunition,
5 large capacity ammunition feeding device or a semi-
6 automatic assault weapon by a juvenile—

7 “(i) if the handgun, ammunition, large ca-
8 pacity ammunition feeding device or semiauto-
9 matic assault weapon are possessed and used by
10 the juvenile—

11 “(I) in the course of employment,

12 “(II) in the course of ranching or
13 farming related to activities at the resi-
14 dence of the juvenile (or on property used
15 for ranching or farming at which the juve-
16 nile, with the permission of the property
17 owner or lessee, is performing activities re-
18 lated to the operation of the farm or
19 ranch),

20 “(III) for target practice,

21 “(IV) for hunting, or

22 “(V) for a course of instruction in the
23 safe and lawful use of a firearm;

24 “(ii) clause (i) shall apply only if the juve-
25 nile’s possession and use of a handgun, ammu-

1 nition, large capacity ammunition feeding device
2 or a semiautomatic assault weapon under this
3 subparagraph are in accordance with State and
4 local law, and the following conditions are
5 met—

6 “(I) except when a parent or guardian
7 of the juvenile is in the immediate and su-
8 pervisory presence of the juvenile, the juve-
9 nile shall have in the juvenile’s possession
10 at all times when a handgun, ammunition,
11 large capacity ammunition feeding device
12 or semiautomatic assault weapon is in the
13 possession of the juvenile, the prior written
14 consent of the juvenile’s parent or guard-
15 ian who is not prohibited by Federal,
16 State, or local law from possessing a fire-
17 arm or ammunition; and

18 “(II) during transportation by the ju-
19 venile directly from the place of transfer to
20 a place at which an activity described in
21 clause (i) is to take place the firearm shall
22 be unloaded and in a locked container or
23 case, and during the transportation by the
24 juvenile of that firearm, directly from the
25 place at which such an activity took place

1 to the transferor, the firearm shall also be
2 unloaded and in a locked container or case;
3 or

4 “(III) with respect to employment,
5 ranching or farming activities as described
6 in clause (i), a juvenile may possess and
7 use a handgun, ammunition, large capacity
8 ammunition feeding device or a semiauto-
9 matic assault rifle with the prior written
10 approval of the juvenile’s parent or legal
11 guardian, if such approval is on file with
12 the adult who is not prohibited by Federal,
13 State, or local law from possessing a fire-
14 arm or ammunition and that person is di-
15 recting the ranching or farming activities
16 of the juvenile;

17 “(B) a juvenile who is a member of the Armed
18 Forces of the United States or the National Guard
19 who possesses or is armed with a handgun, ammuni-
20 tion, large capacity ammunition feeding device or
21 semiautomatic assault weapon in the line of duty;

22 “(C) a transfer by inheritance of title (but not
23 possession) of a handgun, ammunition, large capac-
24 ity ammunition feeding device or a semiautomatic
25 assault weapon to a juvenile; or

1 “(D) the possession of a handgun, ammunition,
2 large capacity ammunition feeding device or a semi-
3 automatic assault weapon taken in lawful defense of
4 the juvenile or other persons in the residence of the
5 juvenile or a residence in which the juvenile is an in-
6 vited guest.

7 “(4) A handgun, ammunition, large capacity ammu-
8 nition feeding device or a semiautomatic assault weapon,
9 the possession of which is transferred to a juvenile in cir-
10 cumstances in which the transferor is not in violation of
11 this subsection, shall not be subject to permanent confisca-
12 tion by the Government if its possession by the juvenile
13 subsequently becomes unlawful because of the conduct of
14 the juvenile, but shall be returned to the lawful owner
15 when such handgun, ammunition, large capacity ammuni-
16 tion feeding device or semiautomatic assault weapon is no
17 longer required by the Government for the purposes of in-
18 vestigation or prosecution.

19 “(5) For purposes of this subsection, the term ‘juve-
20 nile’ means a person who is less than 18 years of age.

21 “(6)(A) In a prosecution of a violation of this sub-
22 section, the court shall require the presence of a juvenile
23 defendant’s parent or legal guardian at all proceedings.

24 “(B) The court may use the contempt power to en-
25 force subparagraph (A).

1 “(C) The court may excuse attendance of a parent
2 or legal guardian of a juvenile defendant at a proceeding
3 in a prosecution of a violation of this subsection for good
4 cause shown.

5 “(7) For purposes of this subsection only, the term
6 ‘large capacity ammunition feeding device’ has the same
7 meaning as in section 921(a)(31) of title 18 and includes
8 similar devices manufactured before the effective date of
9 the Violent Crime Control and Law Enforcement Act of
10 1994.”.

(c) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect 180 days after the date of enactment of this Act.

14 **TITLE III—ASSAULT WEAPONS**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Juvenile Assault
17 Weapon Loophole Closure Act of 1999”.

18 SEC. 302. BAN ON IMPORTING LARGE CAPACITY AMMUNI-
19 TION FEEDING DEVICES.

20 Section 922(w) of title 18, United States Code, is
21 amended—

(1) in paragraph (1), by striking “(1) Except as
provided in paragraph (2)” and inserting “(1)(A)
Except as provided in subparagraph (B)”;

1 (2) in paragraph (2), by striking “(2) Para-
2 graph (1)” and inserting “(B) Subparagraph (A)”;
3 (3) by inserting before paragraph (3) the fol-
4 lowing new paragraph (2):
5 “(2) It shall be unlawful for any person to import
6 a large capacity ammunition feeding device.”; and
7 (4) in paragraph (4)—
8 (A) by striking “(1)” each place it appears
9 and inserting “(1)(A)”; and
10 (B) by striking “(2)” and inserting
11 “(1)(B)”.

12 **SEC. 303. DEFINITION OF LARGE CAPACITY AMMUNITION**
13 **FEEDING DEVICE.**

14 Section 921(a)(31) of title 18, United States Code,
15 is amended by striking “manufactured after the date of
16 enactment of the Violent Crime Control and Law Enforce-
17 ment Act of 1994”.

18 **TITLE IV—CHILD HANDGUN**
19 **SAFETY**

20 **SEC. 401. SHORT TITLE.**

21 This title may be cited as the “Safe Handgun Storage
22 and Child Handgun Safety Act of 1999”.

23 **SEC. 402. PURPOSES.**

24 The purposes of this title are as follows:

1 (1) To promote the safe storage and use of
2 handguns by consumers.

3 (2) To prevent unauthorized persons from gain-
4 ing access to or use of a handgun, including children
5 who may not be in possession of a handgun, unless
6 it is under one of the circumstances provided for in
7 the Safe Handgun Storage and Child Handgun
8 Safety Act of 1999.

9 (3) To avoid hindering industry from supplying
10 law abiding citizens firearms for all lawful purposes,
11 including hunting, self-defense, collecting and com-
12 petitive or recreational shooting.

13 **SEC. 403. FIREARMS SAFETY.**

14 (a) UNLAWFUL ACTS.—

15 (1) MANDATORY TRANSFER OF SECURE GUN
16 STORAGE OR SAFETY DEVICE.—Section 922 of title
17 18, United States Code, is amended by inserting
18 after subsection (y) the following:

19 “(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), it shall be unlawful for any licensed man-
22 ufacturer, licensed importer, or licensed dealer to
23 sell, deliver, or transfer any handgun to any person
24 who is not licensed under section 923, unless the li-

1 censee provides the transferee with a secure gun
2 storage or safety device for the handgun.

3 “(2) EXCEPTIONS.—Paragraph (1) shall not
4 apply to the—

5 “(A)(i) manufacture for, transfer to, or
6 possession by, the United States or a depart-
7 ment or agency of the United States, or a State
8 or a department, agency, or political subdivision
9 of a State, of a handgun; or

10 “(ii) transfer to, or possession by, a
11 law enforcement officer employed by an en-
12 tity referred to in clause (i) of a handgun
13 for law enforcement purposes (whether on
14 or off duty); or

15 “(B) transfer to, or possession by, a rail
16 police officer employed by a rail carrier and cer-
17 tified or commissioned as a police officer under
18 the laws of a State of a handgun for purposes
19 of law enforcement (whether on or off duty);

20 “(C) transfer to any person of a handgun
21 listed as a curio or relic by the Secretary pursu-
22 ant to section 921(a)(13); or

23 “(D) transfer to any person of a handgun
24 for which a secure gun storage or safety device
25 is temporarily unavailable for the reasons de-

1 scribed in the exceptions stated in section
2 923(e): *Provided*, That the licensed manufac-
3 turer, licensed importer, or licensed dealer de-
4 livers to the transferee within 10 calendar days
5 from the date of the delivery of the handgun to
6 the transferee a secure gun storage or safety
7 device for the handgun.

8 “(3) LIABILITY FOR USE.—(A) Notwithstand-
9 ing any other provision of law, a person who has
10 lawful possession and control of a handgun, and who
11 uses a secure gun storage or safety device with the
12 handgun, shall be entitled to immunity from a civil
13 liability action as described in this paragraph.

14 “(B) PROSPECTIVE ACTIONS.—A qualified civil
15 liability action may not be brought in any Federal
16 or State court. The term ‘qualified civil liability ac-
17 tion’ means a civil action brought by any person
18 against a person described in subparagraph (A) for
19 damages resulting from the unlawful misuse of the
20 handgun by a third party, if—

21 “(i) the handgun was accessed by another
22 person without authorization of the person so
23 described; and

1 “(ii) when the handgun was so accessed,
2 the handgun had been made inoperable by use
3 of a secure gun storage or safety device.

4 A ‘qualified civil liability action’ shall not include an
5 action brought against the person having lawful pos-
6 session and control of the handgun for negligent en-
7 trustment or negligence per se.”.

8 (b) CIVIL PENALTIES.—Section 924 of title 18,
9 United States Code, is amended—

10 (1) in subsection (a)(1), by inserting “, or (p)”
11 before “this section”; and

12 (2) by adding at the end the following:

13 “(p) PENALTIES RELATING TO SECURE GUN STOR-
14 AGE OR SAFETY DEVICE.—

15 “(1) IN GENERAL.—

16 “(A) SUSPENSION OR REVOCATION OF LI-
17 CENSE; CIVIL PENALTIES.—With respect to
18 each violation of section 922(z)(1) by a licensed
19 manufacturer, licensed importer, or licensed
20 dealer, the Secretary may, after notice and op-
21 portunity for hearing—

22 “(i) suspend for up to six months, or
23 revoke, the license issued to the licensee
24 under this chapter that was used to con-
25 duct the firearms transfer; or

1 “(ii) subject the licensee to a civil
2 penalty in an amount equal to not more
3 than \$2,500.

4 “(B) REVIEW.—An action of the Secretary
5 under this paragraph may be reviewed only as
6 provided in section 923(f).

7 “(2) ADMINISTRATIVE REMEDIES.—The sus-
8 pension or revocation of a license or the imposition
9 of a civil penalty under paragraph (1) does not pre-
10 clude any administrative remedy that is otherwise
11 available to the Secretary.”.

12 (c) LIABILITY; EVIDENCE.—

13 (1) LIABILITY.—Nothing in this chapter shall
14 be construed to—

15 (A) create a cause of action against any
16 Federal firearms licensee or any other person
17 for any civil liability; or

18 (B) establish any standard of care.

19 (2) EVIDENCE.—Notwithstanding any other
20 provision of law, evidence regarding compliance or
21 noncompliance with the amendments made by this
22 chapter shall not be admissible as evidence in any
23 proceeding of any court, agency, board, or other en-
24 tity, except with respect to an action to enforce

1 paragraphs (1) and (2) of section 922(z), or to give
2 effect to paragraph (3) of section 922(z).

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to bar a governmental
5 action to impose a penalty under section 924(p) of
6 title 18, United States Code, for a failure to comply
7 with section 922(z) of that title.

8 **SEC. 404. EFFECTIVE DATE.**

9 This title and the amendments made by this title
10 shall take effect 180 days after the date of enactment of
11 this Act.